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International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the initial report of Bahrain*

1. The Committee considered the initial report of Bahrain (CCPR/C/BHR/1) at its 3492nd and 3493rd meetings (see CCPR/C/SR.3492 and 3493), held on 3 and 4 July 2018. At its 3516th meeting, held on 19 July 2018, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Bahrain, albeit 10 years late, and the information presented therein. It expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's high-level delegation on the measures taken by the State party to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/BHR/Q/1/Add.1) to the list of issues (CCPR/C/BHR/Q/1), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption in July 2011 of Royal Order No. 28 establishing the Bahrain Independent Commission of Inquiry, which was tasked with investigating and reporting on the events that took place in Bahrain in February and March 2011;

(b) The adoption on 26 November 2011 of Royal Order No. 45 establishing the national commission responsible for giving effect to recommendation No. 1715 of the Bahrain Independent Commission of Inquiry;

(c) The adoption in 2008 of Act No. 1 establishing the National Committee to Combat Trafficking in Persons;

(d) The adoption of Royal Order No. 46/2009 establishing the National Institution for Human Rights and Royal Order No. 28/2012 amending certain related provisions;

(e) The adoption of the National Plan for the Advancement of Bahraini Women (2013–2022) and its implementation strategy.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

* Adopted by the Committee at its 123rd session (2–27 July 2018).

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(a) The Convention on the Rights of Persons with Disabilities, on 22 September 2011;

(b) The International Covenant on Economic, Social and Cultural Rights, on 27 September 2007.

C. Principal matters of concern and recommendations

Domestic implementation of the Covenant

5. The Committee notes the State party's affirmation that the Covenant is an integral part of the domestic legal system and the information about a single case in which the Constitutional Court applied the provisions of the Covenant. Nevertheless, the Committee regrets the absence of specific information on how potential conflicts between domestic statutes and Covenant guarantees have been resolved, how individuals may invoke the provisions of the Covenant before domestic courts and in administrative proceedings and what other examples there have been of the application of the provisions of the Covenant by domestic courts (art. 2).

6. **The State party should make efforts to raise awareness of the Covenant and its applicability in domestic law among judges, prosecutors and lawyers to ensure that its provisions are taken into account by the courts. The State party should give full effect to the Covenant in its domestic legal order and ensure that domestic laws are interpreted and applied in conformity with its obligations under the Covenant. It should also consider acceding to the Optional Protocol to the Covenant, which establishes an individual complaint mechanism.**

Reservations

7. The Committee regrets that the State party has maintained its reservations to articles 3, 9 (5), 14 (7), 18 and 23 of the Covenant and not indicated whether it plans to withdraw them. In particular, it notes with concern the overly broad reservations to articles 3, 18 and 23, under which these articles are applicable only to the extent that they do not affect the prescriptions of sharia. The Committee is concerned that some of the reservations may be incompatible with the object and purpose of the Covenant (art. 2).

8. **The State party should consider reformulating or withdrawing its reservations to articles 3, 9 (5), 14 (7), 18 and 23 with a view to ensuring the full and effective application of the Covenant.**

National Institution for Human Rights

9. The Committee notes the information provided by the State party and its efforts, including legislative measures, to strengthen the National Institution for Human Rights in Bahrain. However, it is concerned that the Institution lacks the independence to perform its functions and regrets the lack of information on the complaints it has received and the investigations it has carried out in response to those complaints (art. 2).

10. **The State party should continue its efforts and adopt all legislative, policy and institutional measures necessary to ensure that the National Institution for Human Rights fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate fully, effectively and independently. The State party should also strengthen the power of the Institution and ensure that it is able to investigate all allegations of violations of rights recognized in the Covenant committed by any official entity.**

Bahrain Independent Commission of Inquiry

11. The Committee notes the State party's affirmation that it has fully implemented the recommendations of the Bahrain Independent Commission of Inquiry, which was mandated to investigate, report and make recommendations regarding the events that occurred in

February and March 2011. However, it notes with concern that key recommendations have not been implemented (arts. 2, 6, 7 and 14).

12. **The State party should conduct a thorough review of the recommendations made by the Bahrain Independent Commission of Inquiry with a view to fully implementing them. It should ensure that all human rights violations committed during the state of national safety declared in 2011 are thoroughly, effectively, independently and impartially investigated, that perpetrators are prosecuted and sanctioned in a manner commensurate with the gravity of the crimes and that victims or their families are provided with effective remedies, including equal and effective access to justice and reparations.**

Military courts

13. The Committee notes with concern the amendment to the Constitution of April 2017, which grants military courts jurisdiction over civilians outside a declared state of emergency (art. 14).

14. **The State party should review its amendment to the Constitution of April 2017 to ensure that military courts are prevented from exercising jurisdiction over civilians.**

Non-discrimination framework

15. While noting that the National Action Charter proclaims the principle of equality, the Committee regrets the lack of comprehensive anti-discrimination legislation covering all the grounds for discrimination prohibited under the Covenant. It is also concerned about the lack of information on effective remedies for victims of discrimination (arts. 2 and 26).

16. **The State party should take all the measures necessary to ensure that its legal framework: (a) provides full and effective protection from discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination; (b) contains a comprehensive list of grounds for discrimination in line with the Covenant; and (c) provides for access to effective and appropriate remedies for victims of discrimination.**

Equality between men and women and practices that are harmful to women

17. The Committee regrets the persistence of polygamy in the State party, which is regulated in the Family Code of 2017. Despite the State party's assertion that early marriage is not widespread and that the Family Code sets the minimum age for marriage at 16 years with certain exceptions, the Committee is concerned by reports that the practice of early marriage continues (arts. 2, 3, 23, 24 and 26).

18. **The State party should strengthen its efforts to prevent and eradicate harmful practices that discriminate against women and girls. In particular, the State party should: (a) take adequate measures to reduce the incidence of polygamy, with a view to bringing about its abolition; and (b) ensure that the minimum age for marriage is set at 18 years for both girls and boys and amend the legal provisions that allow for exceptions to the minimum age for marriage.**

Non-discrimination against women

19. The Committee is concerned that women, who cannot confer their nationality on their children without a royal decision, do not enjoy equal rights with men in this regard. The Committee takes note of the State party's intention to amend the Nationality Act to grant women the right to transmit their nationality to their children but is concerned about the slow adoption of these amendments. It notes the explanation provided by the delegation regarding the rules applicable to divorce, including the possibility to divorce by mutual agreement or through the courts, but is concerned about the reported negative and unequal economic consequences of divorce on women, such as obligations to return bride prices, pay compensation and accept limited alimony (arts. 2, 3 and 26).

20. **The State party should repeal all discriminatory provisions against women in its legislation. In particular, it should (a) expedite adoption of the amendments to the**

Nationality Act to ensure that women and men have equal rights in transmitting their nationality to their children; and (b) ensure that women are granted equal rights to divorce, including economic rights.

Gender equality

21. While welcoming the measures taken to promote gender equality, the Committee is concerned about the persistence of patriarchal stereotypes about the role of women and men in the family and in society. It is concerned that, notwithstanding the information provided by the State party, women are underrepresented in political and public life, in particular in decision-making positions. It is also concerned about Act No. 36/2012 governing labour in the private sector, under which the Minister of Labour and Social Development is authorized to define the jobs women may not take, and the lack of clear information on the specific jobs prohibited to women and the criteria for determining those jobs (arts. 2, 3, 25 and 26).

22. **The State party should strengthen measures to ensure gender equality and develop strategies to combat patriarchal attitudes and stereotypes about the roles and responsibilities of women and men in the family and in society at large. The State party should step up its efforts to achieve the equitable representation of women in the public and political spheres, particularly in decision-making positions, if necessary through appropriate temporary special measures, to give effect to the provisions of the Covenant. It should also ensure that women have equal access to employment opportunities and that the labour laws do not perpetuate stereotypes about women.**

Discrimination on grounds of sexual orientation and gender identity

23. While noting the State party's affirmation that no trials have been conducted on the basis of gender identity or homosexual behaviour, the Committee is concerned about the criminalization of homosexual acts, which are punishable when they take place in public spaces, according to articles 326, 346 and 350 of the Bahrain Criminal Code (1956) (arts. 2, 17 and 26).

24. **While acknowledging the diversity of morality and cultures internationally, the Committee notes that State laws and practices must always be subject to the principles of universality of human rights and of non-discrimination and that a failure to comply with the obligations contained in the Covenant cannot be justified by reference to political, social, religious, cultural or economic considerations within the State. The State party should decriminalize sexual relations between consenting adults of the same sex. The State party should also prohibit and prevent all forms of discrimination against persons based on their sexual orientation or gender identity.**

Violence against women

25. The Committee is concerned about reports that violence against women, including domestic violence, remains a serious problem in the State party. In this regard, it notes with concern that only a small number of cases of domestic violence led to prosecutions and sentences between 2016 and 2018. The Committee is also concerned about provisions of the Criminal Code exempting perpetrators from punishment. In particular, it finds it regrettable that article 353 of the Criminal Code exempts perpetrators of rape from prosecution and punishment if they marry their victims and that article 334 reduces the penalties for perpetrators of crimes committed in the name of so-called honour. The Committee notes that the State party is preparing a bill to repeal article 353 of the Criminal Code but laments the slow pace of those preparations (arts. 3, 6 and 7).

26. **The State party should strengthen its efforts to prevent and combat all forms of violence against women. In particular, it should:**

(a) **Facilitate the reporting of cases of violence against women and ensure that all such cases are promptly and thoroughly investigated, that perpetrators are brought to justice and that victims have access to full reparation and means of protection;**

(b) **Swiftly amend the Criminal Code by repealing articles 334 and 353 and ensure that all forms of violence against women, such as domestic violence and rape, are criminalized with appropriate penalties in all its territory;**

(c) **Step up its efforts to raise awareness of the unacceptability and negative effects of violence against women and increase the resources and protections available to victims, initiate programmes to help perpetrators of domestic violence change their violent behaviour and reinforce training activities for State officials so that they can respond effectively to all forms of violence against women.**

Voluntary termination of pregnancy and sexual and reproductive health

27. The Committee is concerned that articles 321 to 323 of the Criminal Code criminalize abortion except in the event of grave danger to the life of the woman. While noting the State party's assertion that judges may authorize abortion on a case-by-case basis, the Committee is concerned that women may resort to unsafe abortions, which put their lives and health at risk (arts. 3, 6, 7, 17 and 26).

28. **The State party should amend its legislation with a view to ensuring effective access to safe, legal abortion when the life or health of a pregnant woman or girl is at risk and when carrying a pregnancy to term would cause the woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or when it is not viable. It should also ensure that women and girls who have recourse to abortion and the doctors who attend to them are not subject to criminal penalties, since such measures compel women and girls to resort to unsafe abortion. The State party should, furthermore, implement educational policies to raise awareness of sexual and reproductive health among women, men and adolescents and ensure access to appropriate and affordable contraception and reproductive health services.**

Counter-terrorism measures

29. The Committee acknowledges the State party's need to adopt measures to combat terrorism. However, it is concerned that the Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006) includes an overly broad definition of terrorism that provides too much room for interpretation and may result in violations of the right to freedom of expression, association and assembly. The Committee is also concerned about reports of the extensive use of the Act outside the scope of terrorism, including against human rights defenders and political activists, and of violations of article 14 of the Covenant in the context of trials based on the Act. In this respect, the Committee notes with concern the case of the 14 February Coalition, in which 50 individuals, including human rights defenders and political activists, were tried under the Act, and that of the so-called Bahrain Thirteen, in which 13 Bahraini opposition leaders were tried and convicted under the Act (arts. 9, 14, 17, 19, 21 and 22).

30. **The State party should bring its counter-terrorism and counter-extremism legislation and practices into full compliance with the Covenant, not least by amending the Act on the Protection of Society from Acts of Terrorism (Act No. 58 of 2006) with a view to clarifying and narrowing the broad concepts referred to above and thus to ensuring that they comply with the principles of legal certainty and predictability and that the application of such legislation does not suppress protected conduct and speech. It should also ensure that the rights to a fair trial and access to justice are respected in all criminal proceedings for terrorism.**

Death penalty

31. The Committee notes with concern that the State party lifted its moratorium on the death penalty in January 2017 and that, since then, the number of death sentences is reported to have increased. It is particularly concerned that the death penalty is imposed for crimes other than the "most serious crimes" within the meaning of article 6 (2) of the Covenant, which allows the death penalty only for intentional killing. Instead, domestic law provides for the imposition of the death penalty for crimes such as drug trafficking,

deliberately obstructing funerals or memorial services, certain crimes against property under aggravating circumstances and any offence punishable by life imprisonment under common law if that offence is perpetrated for the purposes of terrorism. The Committee is also concerned about allegations that death sentences have been imposed on the basis of confessions obtained under duress or torture or in the context of trials that did not meet the standards of article 14 of the Covenant. The Committee finds it regrettable that the State party has not provided information on the current number of inmates on death row. The Committee also notes that although the Constitution of Bahrain recognizes many rights, it does not explicitly recognize the right to life (arts. 2, 6, 7, 9 and 14).

32. **The State party should reinstate the moratorium and consider abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. If the death penalty is maintained, the State party should, as a matter of priority, take all measures necessary to ensure that it is imposed only for the most serious crimes, involving intentional killing; that it is never mandatory; that pardons or commutations of the sentence are available in all cases, regardless of the crime committed; that it is never imposed in violation of the Covenant, including in the absence of fair trial procedures; and that it is not imposed by military courts, in particular against civilians.**

Extraterritorial military operations

33. The Committee regrets the lack of information on measures taken to protect the right to life in extraterritorial military operations conducted by the State party, particularly in Yemen, and on the mechanisms in place to ensure accountability for the loss of life resulting from such operations (arts. 2, 6 and 14).

34. **The State party should ensure that its extraterritorial military operations are in full compliance with its obligations under article 6 of the Covenant, including, in particular, with respect to the principles of precaution, distinction and proportionality in the context of an armed conflict. The State party should also conduct independent, impartial, prompt and effective investigations of potential violations of the right to life and bring to justice those responsible for any such violations.**

Reports of excessive use of force

35. The Committee is concerned about reports of excessive and disproportionate use of lethal force and allegations of enforced disappearances, torture, arbitrary detention and threats against civilians involved in peaceful demonstrations for political and democratic change in 2011. The Committee notes with concern reports indicating a recent increase in the use of violence by law enforcement officials during peaceful demonstrations, including reports of 6 fatal incidents during demonstrations and 10 other extrajudicial killings in 2017. The Committee also notes with concern reports that demonstrators injured during demonstrations were questioned in medical facilities about their participation in demonstrations and denied medical assistance (arts. 2, 6, 7, 9, 10, 16, 19 and 21).

36. **The State party should fully investigate, in accordance with international standards, all allegations of involvement by members of its law enforcement and security forces in the killing of civilians, excessive use of force, arbitrary detention, enforced disappearance, torture and ill-treatment from 2011 onward. Furthermore, the State party should initiate criminal proceedings against the alleged perpetrators of such acts, sentence convicted perpetrators and afford victims integral reparation, including adequate compensation. In the event of enforced disappearances, the fate or the whereabouts of victims should be elucidated. The State party should also ensure that all demonstrators injured during demonstrations have access to medical assistance. In addition, it should take measures to effectively prevent and eradicate all excessive use of force by law enforcement and security officials, including by guaranteeing that such officials receive systematic training on the use of force, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Prohibition of torture and ill-treatment

37. The Committee is concerned about reports that acts of torture and ill-treatment are often committed by law enforcement officials, including as a means of eliciting confessions, that, despite the prohibition in domestic law, confessions obtained under duress have been used as evidence in court and that allegations made by defendants in this respect have not been adequately investigated. The Committee is also concerned about reports of torture in prisons, particularly in the Jau prison. It notes with concern the lack of information on investigations carried out and convictions handed down vis-à-vis the number of complaints of torture and ill-treatment (arts. 2, 6, 7 and 14).

38. **The State party should:**

(a) **Take vigorous steps to prevent torture and ill-treatment and ensure that all such cases are promptly, independently and thoroughly investigated, that perpetrators are brought to justice and that victims receive full reparation;**

(b) **Set up an accessible, independent and effective complaint mechanism to combat torture;**

(c) **Collect accurate data on cases of torture and ill-treatment and related prosecutions, convictions and sentences and make those data public;**

(d) **Ensure that confessions obtained in violation of article 7 of the Covenant are not accepted by courts under any circumstances, that allegations made by defendants that a statement was made under torture or ill-treatment are promptly and adequately investigated and that the burden of proving that confessions were made voluntarily falls on State authorities;**

(e) **Provide security forces and other law enforcement personnel with effective training on torture prevention and humane treatment.**

Liberty and security of person

39. The Committee notes the information provided by the State party but remains concerned about reports of arbitrary and extrajudicial arrest and detention by security forces, including incommunicado detention, with no access to a lawyer or contact with family members. The Committee is also concerned by the reported failure of the authorities to inform all persons deprived of their liberty of their rights upon arrest and detention. In this regard, the Committee notes with concern cases such as those of Khalil al-Marzooq, a former member of the parliament for the prominent opposition group al-Wefaq, and Maryam al-Khawaja, a prominent human rights defender, who were allegedly arbitrarily arrested and had no access to a lawyer during their detention (arts. 9 and 14).

40. **The State party should bring its legislation and practices into line with article 9 of the Covenant, taking into account the Committee's general comment No. 35 (2014) on liberty and security of person. It should, inter alia, ensure that, in practice, all persons deprived of their liberty are informed promptly of their rights and guaranteed all fundamental legal safeguards from the very outset of detention, including prompt access to counsel of their own choosing and confidential meetings with counsel. It should also ensure that any failure in that regard constitutes a violation of procedural rights entailing appropriate sanctions and remedies.**

Treatment of prisoners

41. While noting the efforts made by the State party to build new prison facilities and the information that the Office of the Commissioner for the Rights of Prisoners and Detainees conducts unannounced visits to detention facilities, the Committee is concerned about reports of inhuman prison conditions, including serious overcrowding, unsanitary conditions, inadequate access to drinking water and unhygienic toilet facilities, particularly in the Jau prison (arts. 2, 6, 7 and 10).

42. **The State party should take effective measures to eliminate overcrowding in places of detention, including by resorting to non-custodial alternative measures to detention. It should also ensure that persons deprived of liberty are treated with**

humanity and respect for the inherent dignity of the human person and, to this end, improve conditions of detention in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The State party should also take immediate steps to review its current system of monitoring places of detention with a view to establishing a system of regular and genuinely independent monitoring of places of detention and ensuring that conditions of detention conform to articles 7 and 10 of the Covenant and the Nelson Mandela Rules.

Asylum seekers and refugees

43. The Committee notes with concern the State party's assertion that there are no refugees in Bahrain and the lack of a national legal framework for the identification and protection of refugees and asylum seekers. The Committee has nonetheless received reports that there are asylum seekers and refugees in the State party and is concerned that the lack of adequate protection has led to instances of refoulement (arts. 2, 6, 7, 13 and 14).

44. **The State party should take urgent measures to adopt a comprehensive legal framework on asylum- and refugee-related matters that complies with the Covenant. It should also ensure that the prohibition of refoulement is strictly respected in all circumstances. In addition, the State party should strengthen its efforts to ensure the effective protection of asylum seekers and refugees.**

Independence of the judiciary and the right to a fair trial

45. The Committee is concerned about reports that, in practice, the judiciary is neither fully independent nor impartial. In particular, the Committee is concerned about the fact that judges are appointed by royal order and that several of them have renewable employment contracts of one to three years, a circumstance that jeopardizes the security of their tenure (arts. 14 and 25).

46. **The State party should take all measures necessary to safeguard, in law and in practice, the full independence and impartiality of the judiciary, including by ensuring that the procedures for the selection and appointment of judges are based entirely on objective, transparent criteria for the assessment of candidates' merits in terms of their qualifications, competence and integrity, in compliance with the principles of independence and impartiality, as set out in the Covenant. The State party should guarantee that the judiciary can carry out its functions without any form of political interference.**

Trafficking in human beings and forced labour

47. The Committee welcomes the information provided by the State party on the work of the Committee for the Assessment of the Status of Foreign Victims of Trafficking in Persons but is concerned about reports that trafficking in persons and forced labour are significant problems in the State party. The Committee is also concerned about reports that migrant domestic workers are subjected to abuse and exploitation, including excessive working hours and delayed or non-payment of wages. The Committee is concerned about the lack of effective remedies for such abuses (arts. 2, 7, 8 and 26).

48. **The State party should further strengthen its efforts to combat, prevent, eradicate and punish trafficking in persons and forced labour. In particular, it should ensure that all cases of human trafficking and forced labour are thoroughly investigated, that perpetrators are brought to justice and that victims receive full reparation and means of protection. In addition, the State party should expand labour law protection to domestic workers, including by ensuring that they can exercise their rights and that they are protected from exploitation and abuse, and provide access to effective legal remedies for the protection of domestic migrant workers' rights.**

Freedom of movement

49. The Committee notes the State party's explanation of the domestic law applicable to travel bans but is concerned about the large number of reports that journalists, opposition

politicians, human rights defenders and lawyers are subjected to travel bans in retaliation for engaging in their professional activities. In particular, the Committee notes with concern that travel bans have allegedly been used to prevent human rights activists from attending sessions of the Human Rights Council (arts. 12, 14, 19, 22 and 25).

50. **The State party should ensure that any restrictions on travel are justified under article 12 (3) of the Covenant and lift restrictions not in compliance with that article, refrain from arbitrarily imposing travel bans on journalists, opposition politicians, human rights defenders and lawyers and guarantee full respect for their freedom to leave the country.**

Freedom of religion

51. The Committee notes that under article 22 of the State party's Constitution, "freedom of conscience is absolute", but it is concerned about the existence of practices that adversely affect the exercise of the right to freedom of religion or belief enshrined in article 18 of the Covenant. In particular, the Committee is concerned about reports that members of the Shia community have been subjected to restrictions of their rights to worship and profess their religious beliefs and that liberty of conscience is not effectively guaranteed (art. 18).

52. **The State party should decriminalize blasphemy and guarantee that all people within its territory can fully enjoy the right to freedom of conscience, religion or belief enshrined in article 18 of the Covenant. In particular, it should eliminate discriminatory practices that violate the right to freedom of religion or belief, including by stepping up its efforts to ensure that the Shia population is fairly represented in the public and political spheres. The State party should take immediate steps to ensure that the Shia population is effectively protected from discrimination in every field.**

Freedom of expression

53. The Committee is concerned about the serious restrictions imposed on freedom of expression and the large number of arrests and prosecutions of individuals criticizing State authorities or political figures, including through social media. In this regard, the Committee notes with concern the cases of Nabeel Rajab, Zainab al-Khawaja, Ghada Jamsheer, Qasim Zainal Deen, Ahmed al-Fardan, Faisal Hayyt and others. The Committee is also concerned about reports that the State party has targeted *Al-Wasat*, which was said to be the country's only semi-independent newspaper, including by suspending its print and online publication, leading to its definitive closure in 2017. In addition, the Committee is concerned about:

(a) Broad provisions in the Criminal Code criminalizing and making punishable by imprisonment acts such as criticism of public officials, insulting the King, publishing and disseminating rumours and false news and publication of untrue reports;

(b) Broad and vague provisions contained in Decree Law No. 47 of 2002, concerning the regulation of the press, printing and publishing, under which journalists and activists can be prosecuted and given sentences of up to five years in prison;

(c) Article 88 of Decree Law No. 47, under which journalists are required to obtain a licence from the Information Affairs Authority, to be renewed annually, to work with foreign media outlets;

(d) Significant restrictions on digital rights, including the power to filter websites that criticize the royal family or the Government or that publish material that can be seen as encroaching on religions and jeopardizing public peace (arts. 2, 14, 18 and 19).

54. **The State party should protect freedom of expression, in accordance with article 19 of the Covenant. In particular, it should:**

(a) **Decriminalize blasphemy and insulting and criticizing public officials;**

(b) **Consider decriminalizing defamation and, in any case, apply criminal law only in the most serious cases, bearing in mind that, as stated by the Committee in**

its general comment No. 34 (2011) on the freedoms of opinion and expression, imprisonment is never an appropriate penalty for defamation;

(c) **Release immediately and unconditionally anyone held solely for the peaceful exercise of his or her rights, including human rights defenders, activists, lawyers and trade unionists;**

(d) **Review and amend the provisions of the Criminal Code, Decree Law No. 47 and regulations on digital rights to bring them into line with article 19 of the Covenant and general comment No. 34 (2011);**

(e) **Effectively protect journalists, activists and human rights defenders from attacks or intimidation and ensure that all human rights violations perpetrated against them are thoroughly investigated and that those responsible are brought to justice.**

Freedom of assembly

55. The Committee is concerned that the right to freedom of assembly is severely limited and notes that public gatherings and marches are severely restricted by a 1973 decree on public gatherings and Decree No. 32/2006. In this regard, the Committee notes with concern that participating in public gatherings without government authorization is a crime punishable by a fine and/or imprisonment. The Committee is also concerned about reports that the State party regularly avails itself of legal provisions making assemblies illegal to disperse protests violently and arrest activists, human rights defenders and members of the opposition (arts. 19 and 21).

56. **The State party should ensure that the right to freedom of assembly is guaranteed to all individuals without discrimination. The State party should also ensure the prompt, effective and impartial investigation of threats against and harassment and assaults of activists, human rights defenders and members of the opposition and, when appropriate, prosecute the perpetrators of such acts.**

Freedom of association

57. The Committee is concerned about reports that authorities have placed restrictions on human rights organizations and opposition groups and in some cases dissolved them. The Committee notes with concern the use of restrictive legislation, including the Law on Associations, the Law on Political Societies, the Criminal Code and the Act on the Protection of Society from Acts of Terrorism, to make it difficult for non-governmental organizations (NGOs) to register and pursue their activities. In this regard, the Committee is concerned about the 2014 order of the Ministry of Labour and Social Development to close the Bahrain Centre for Human Rights. The Committee is also concerned about the prohibition of civil society organizations from engaging in any activity interpreted to be political (arts. 2, 19 and 22).

58. **The State party should amend relevant laws, regulations and practices with a view to bringing them into full compliance with articles 19 and 22 of the Covenant. In particular, it should refrain from dissolving human rights organizations and opposition groups for having legitimately exercised their rights and take all measures to re-establish such organizations. It should simplify registration rules and revise the grounds for refusing to allow NGOs to register or permanently closing them. The State party should also amend its laws to allow civil society organizations to engage in political activities.**

Reprisals

59. The Committee notes with concern a large number of reports of reprisals against human rights defenders and journalists because of their work, particularly when such individuals collaborate with United Nations treaty bodies and the Human Rights Council. Notwithstanding the information provided by the State party's delegation, the Committee received a number of reports of reprisals against journalists and human rights defenders, including continuing reports of travel bans, harassment or intimidation, death threats,

violence, arrests and arbitrary detention, which appear to have escalated in the last years. The Committee notes with concern the cases of Yusuf al-Hoori, Sayed Ahmed Alwadaei, Ebtisam al-Saegh and others who were alleged victims of reprisals. The Committee draws particular attention to resolution 68/268 of 9 April 2014, in which the General Assembly stated that it "strongly condemns all acts of intimidation and reprisals against individuals and groups for their contribution to the work of the human rights treaty bodies, and urges States to take all appropriate action … to prevent and eliminate such human rights violations" (arts. 2, 6, 7, 19, 21 and 22).

60. **The State party should, as a matter of urgency, take all necessary steps to ensure that it does not exert any undue influence over human rights defenders and that they are free to work without fear of reprisals or unjustified restrictions on their activities. The State party should ensure that everyone has unhindered access to the treaty bodies and their members for the effective implementation of the treaty body mandates, in accordance with the Guidelines against Intimidation or Reprisals (San José Guidelines). The State party should also investigate all cases of violence committed against journalists and human rights defenders thoroughly, effectively, independently and impartially and ensure that perpetrators are prosecuted and sanctioned and that victims or their families are provided with effective remedies.**

Nationality

61. The Committee is concerned about a number of persons who have had their citizenship revoked, including pursuant to anti-terrorism laws, in some cases making them stateless and causing them to be deported or placed at imminent risk of deportation. The Committee notes with great concern the number and breadth of the circumstances in which domestic legislation allows for revocation of citizenship, including for any individual who "aids or is involved in the services of a hostile State" or "causes harm to the interests of the Kingdom or acts in a way that contravenes his duty of loyalty to it" (arts. 2, 14, 16, 24, 25 and 26).

62. **The State party should, as a matter of urgency, take specific steps to amend its current legislation to ensure that citizenship is not revoked, except in accordance with the Covenant and international standards and under independent judicial review. It should also adopt all necessary legal and practical measures to prevent and reduce statelessness, including by considering accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Right to take part in the conduct of public affairs

63. The Committee is concerned about reports that the Shia population is underrepresented in political and public life, including in the National Assembly. It is also concerned that the opposition parties Al-Wefaq and Wa'ad have recently been dissolved and that their leaders and members have been prosecuted. In addition, the Committee is concerned about allegations of gerrymandering and voter fraud during elections. Despite the existence of the National Audit Office, in charge of investigating cases of public corruption, the Committee finds it regrettable that high-ranking officials suspected of corruption are rarely punished (arts. 2, 25 and 26).

64. **The State party should guarantee equal enjoyment of the rights of all citizens to ensure effective participation in public life, as required under article 25 of the Covenant. It should review decisions to dissolve opposition parties and ensure that political parties and their members are allowed to participate in political life, in line with article 25. The State party should step up its efforts to combat corruption, particularly among government figures.**

D. Dissemination and follow-up

65. **The State party should widely disseminate the Covenant, its initial report, the written replies to the Committee's list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant**

among the judicial, legislative and administrative authorities, civil society and NGOs operating in the country, and the general public.

66. **In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2020, information on the implementation of the recommendations made by the Committee in paragraphs 13 (military courts), 31 (death penalty) and 53 (freedom of expression) above.**

67. **The Committee requests the State party to submit its next periodic report by 27 July 2022 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and NGOs operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by 27 July 2019, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its report. The State party's replies to that list of issues will constitute the next periodic report to be submitted under article 40 of the Covenant.**